

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LAUREN RICCIARDELLI,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:21-CV-625-ECM-KFP
)	
TROY UNIVERSITY,)	
)	
Defendant.)	

RECOMMENDATION OF MAGISTRATE JUDGE

This pro se case was filed on September 20, 2021, but the docket reflects that Defendant has not been served with a copy of the Summon and Complaint. On February 24, 2022, the Court issued an Order advising Plaintiff that, if a defendant is not served within 90 days after a complaint is filed, Rule 4(m) of the Federal Rules of Civil Procedure 4(m) requires a court to dismiss an action without prejudice or order that service be made within a specified time. *See* Doc. 5. The Court also ordered Plaintiff to show cause by March 10, 2022, why her claims should not be dismissed for failure to perfect service within the time allowed by Rule 4(m). *Id.* To date, Plaintiff has filed nothing in response to the Court's Order.

This case cannot proceed if Plaintiff refuses to comply with court orders and prosecute her claims. Accordingly, the undersigned concludes that this case should be dismissed without prejudice. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (stating that dismissal for failure to obey a court order is generally not an abuse of discretion when a litigant has been forewarned). The authority of courts to impose sanctions for

failure to prosecute or obey an order is longstanding and acknowledged by Rule 41(b) of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962). This authority empowers the courts “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Id.* at 630–31; *Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (holding that “[t]he district court possesses the inherent power to police its docket”). “The sanctions imposed [upon dilatory litigants] can range from a simple reprimand to an order dismissing the action with or without prejudice.” *Id.*

For the reasons stated above, the Magistrate Judge RECOMMENDS that this case be DISMISSED without prejudice.

Further, it is ORDERED that by **April 14, 2022**, the parties may file objections to this Recommendation. The parties must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made. Frivolous, conclusive, or general objections will not be considered by the Court. The parties are advised that this Recommendation is not a final order and, therefore, is not appealable.

Failure to file written objections to the Magistrate Judge’s findings and recommendations in accordance with 28 U.S.C. § 636(b)(1) will bar a party from a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waive the right of the party to challenge on appeal the District Court’s order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except on grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11TH CIR. R. 3-1. *See Stein v. Reynolds Sec.*,

Inc., 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE this 31st day of March, 2022.

/s/ Kelly Fitzgerald Pate
KELLY FITZGERALD PATE
UNITED STATES MAGISTRATE JUDGE